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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LIKA FUENTES, an individual,

Plaintiff,

v.

GYPSUM RESOURCES MATERIALS, LLC;
DOES I Through X; ROE
CORPORATIONS XI through XX; inclusive,

Defendant.

Case Number 2:21-cv-00599

*Defendant Gypsum Resources
Materials, LLC's Notice of Removal*

NOTICE OF REMOVAL

AUBREE GREEN, ESQ. and MORGAN FASHTCHI, ESQ. on behalf of DEFENDANT,
GYPSUM RESOURCES MATERIALS, LLC, a Nevada limited liability company (the
“Defendant”), hereby files this Notice of Removal.

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Pursuant to 28 U.S.C. § 1331 (Federal question) and 1441(a) (Removal based on federal court original jurisdiction), the Defendant, who has been served with a copy of the Summons and Complaint in this matter on March 22, 2021, file and serve this Notice of Removal of this action from the Eight Judicial District in and for the County of Clark, State of Nevada (the “State Court”), to the United States District Court for the District of Nevada (the “Federal Court”).

I. The United States District Court, Pursuant to Federal Question, Has Original Jurisdiction in this Matter.

Defendant requests this matter to be removed from the State Court, on the grounds that jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1331, which states:

“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

Here, Defendant’s request for removal in this case is proper as the Plaintiff’s complaint is based on Title VII 42 U.S.C. § 2000(e) *et seq.*, 42 U.S.C. § 12203, 42 U.S.C. § 12101e *et seq.*, and 29 U.S.C. § 203 *et seq.*. As such, removal is proper. *See* Exhibit 1- Complaint, pages 4-7.

II. Defendant’s Request for Removal in This Matter is Timely Pursuant to 28 U.S.C. § 1446(b)

On the 16th of February, 2021, Plaintiff filed a complaint in the District Court of Nevada, Clark County. A true and correct copy of Plaintiff’s Complaint, captioned Like Fuentes, an individual v. Gypsum Resources Materials, LLC, case number A-21-829501-C is attached hereto as Exhibit 1- Complaint. *See* Exhibit 1- Complaint, page 1.

Plaintiff first served the Complaint on Defendant on March 22, 2021. The Plaintiff has not filed an Affidavit of Proof of Service within this case. According to Nevada Rules of Civil Procedure 4(d), a plaintiff must file proof of service with the court no later than the deadline for

a defendant to respond to the summons. Therefore, the Plaintiff has until the end of April 12, 2021 to file proof of service. A true and accurate copy of the Event and Hearings page as of April 12, 2021 is attached hereto as Exhibit 2- Event and Hearings Page of Eighth Judicial D.Ct. Defendants, pursuant to 28 U.S.C. § 1446(b), file this Notice of Removal within thirty days of service of Plaintiff's Complaint, thereby making removal of this action timely according to 28 U.S.C. § 1446(b). As Gypsum Resources Materials, LLC is the only named party in this suit, no consent to remove the case from other parties is required. *See Hewitt v. City of Stanton*, 798 F.2d 1230, 1232 (9th Cir. 1986) (holding for removal to be proper, all of the defendants, except nominal ones, are to join in the removal petition).

III. Conclusion

Defendant respectfully request this matter be removed from the State Court to the Federal on the grounds that this case involves federal law. The Notice of Removal in this matter has been timely filed, according to 28 U.S.C. § 1446(b). Therefore, removal of this action is proper and this action should proceed before this Court.

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/s/ Morgan Fashtchi

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Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an Attorney for the DEFENDANT, GYPSUM RESOURCES MATERIALS, LLC in Las Vegas, Nevada and is a person of such age and discretion as to be competent to serve papers.

That on April 12, 2021, she filed the Notice of Removal and this Certificate of Service upon the Law Office of Steven H. Burke, LLC via both its e-filing system and through US mail to:

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//s/ Morgan Fashtchi //s/

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